761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: November 19, 2002

OFFICE CORRESPONDENCE FILE:

FROM: DAVID R. BETKEY, COMMANDER
EXECUTIVE FORCE REVIEW
COMMITTEE

TO: DAVID L. FENDER, CAPTAIN
LAKEWOOD STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, AUGUST 27, 2001, IAB REVIEW #2043906**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on August 27, 2001.

The Committee met on November 14, 2002, and consisted of myself, Commander William McSweeney (Leadership and Training Division) and Captain Dennis Burns (Internal Affairs Bureau). The Committee determined that the use of force by Deputy Oscar Butao #[redacted] was within Department policy. **Please advise the deputy of this finding.**

DRB:KRK:kk

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MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08-27-01	Bureau/Station/Facility: LAKEWOOD STATION	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 001-20475-1365-056		Date: 08-27-01	Time: 1358
City or Station: PARAMOUNT		Nature of Incident: DEPUTIES WERE CONFRONTED BY A SUSEPCT ARMED WITH A KNIFE. THE SUSPECT REFUSED TO DROP THE KNIFE AFTER BEING WARNED AND O.C. SPRAYED. HE CONTINUED TO ADVANCE AND WAS SHOT.	
Location: [redacted] ORIZABA AVENUE PARAMOUNT			

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard Beach Business Freeway Industrial Park (Parking Lot) [circled] (Residence) [circled] Rural School Street Other: STREET	Darkness (Daylight) [circled] Other Street Lights Weather (*circle only one*): (Clear) [circled] Cloudy Fog Rain Distance: 6-8 feet	Accidental (Armed Person) [circled] Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Other:	Arrest Warrant (Call) [circled] Observation One Person Unit Other Search Warrant Two Person Unit Prior Activity (*circle only one*): Detective Inmate Transport Other (Routine Patrol) [circled] Aero Unit? ☐ Canine Unit? ☐
Total # of Shots Fired by Deputy: 3	Total # of Shots Fired by Suspect: 0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	[redacted]	[redacted]	[redacted]	EM PM (Day) [circled]	(Regular) [circled] Overtime Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	EM PM (Day) [circled]	(Regular) [circled] Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*):	
[redacted]	BLUME	ROBERT	N.	(On Duty) [circled] Present during shooting	Witness to shooting Involved in shooting
[redacted]	LANDRETH	LARRY	L.	(On Duty) [circled] Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	ROLLER	KENNETH	S.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	STRINGHAM	CHARLES	B.

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SH-R-438A rev. 3/97

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-27-01	1545 HRS	03-08-02	

Employee #	Last Name	First Name	M.I.
[redacted]	HINES	WILLIAM	L.
[redacted]	MOREJON	ELIER	
[redacted]	O'BRIEN	MICHAEL	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S	FH	BR	9	Y	Y	DH	CH
S	E#1	OE					NN	

Officer Involved Shooting
Involved Employee Information

URN: 001-20475-1365-056

Involved Employee

E 1

Employee # [redacted]	Last Name BUTAO	First Name OSCAR	M.I.
Sex: M Race: F	Rank DEPUTY	Unit Assignment: LAKEWOOD STATION	Work Assignment (Unit #, Module, etc.): 136E
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 5' 6"	Weight: 150	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 001-20475-1365-056

Suspect Information

S 1

Last Name ORTIZ		First Name FRANCISCO	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Add[redacted]	City [redacted]	State & Zip [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's Licen[redacted]
Age: 48 D.O.B. 10-04-53	Height: 5'4" Weight: 150	FBI #	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2001-06248	Intoxication/Drug Usage? [X]	Substance Used: ALCOHOL & COCAINE
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING
SUSPECT DEAD
IAB SH 2043906
URN: 001-20475-1365-056

On Monday, August 27, 2001, Lieutenant Mike O'Brien, Sergeants William Hines, Elier Morejon, Larry Gregg and Clay Porlier of the Internal Affairs Bureau responded to [redacted] Orizaba Avenue, Paramount, regarding a Deputy Involved Shooting involving Lakewood Station personnel. Lieutenant Larry Lincoln and Detectives Rick Graves, Eddie Brown, Jim Gates and David Castillo from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package. **Refer to Exhibit A**

INVOLVED PERSONNEL:

BUTAO, Oscar, Deputy, #[redacted]
Lakewood Station (Paramount Station)
Field Operations Region III

EMPLOYEE WORK HISTORY:

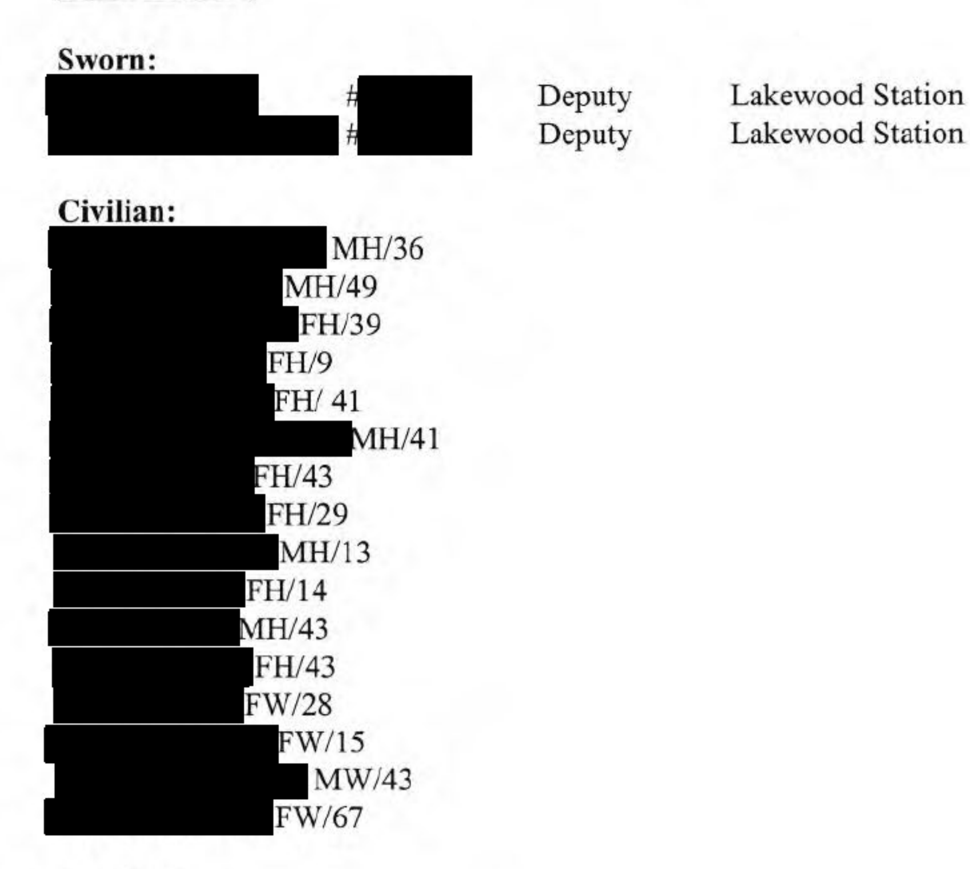
BUTAO, Oscar

Date of Employment: July 19, 1995
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT:

ORTIZ, Francisco Cerda M/H/47-**Deceased**

Decedent Ortiz's criminal history indicates an [redacted] **Refer to Exhibit A, Page 76 - Suspect Criminal Record**



WITNESSES:

Sworn:

[redacted] #[redacted]	Deputy	Lakewood Station
[redacted] #[redacted]	Deputy	Lakewood Station

Civilian:

[redacted] MH/36
[redacted] MH/49
[redacted] FH/39
[redacted] FH/9
[redacted] FH/ 41
[redacted] MH/41
[redacted] FH/43
[redacted] FH/29
[redacted] MH/13
[redacted] FH/14
[redacted] MH/43
[redacted] FH/43
[redacted] FW/28
[redacted] FW/15
[redacted] MW/43
[redacted] FW/67

INJURIES:

Suspect Ortiz was transported by "AMR" Ambulance to Saint Francis Medical Center, Lynwood, where he was treated for multiple gunshot wounds in the abdomen. Suspect Ortiz was pronounced dead by Dr. S. Little at 1437 hours. Suspect Ortiz received three gunshot wounds to his abdomen. Two of the wounds were on the left side and one was on the right side. He also received a "through and through" wound on his left hand and a "grazing" wound on his left forearm. Both of these wounds lined up with the wounds on the left side of the suspect's abdomen and appeared to be caused by the same two gunshots to the left side of the abdomen. **Refer to the Autopsy Report in Exhibit A, Pages 83 through 115.**

PHYSICAL EVIDENCE:

Refer to Homicide investigation book- **Exhibit A, Pages 32 & 33; Pages 50 through 52; Pages 120 through 121.**

INVESTIGATOR OBSERVATIONS:

The location of the shooting was in a parking area of a four-Plex apartment building at [redacted] Orizaba Avenue, Paramount. It is between a business and a residential area. **Refer to Exhibits G through J-Photographs of the area**

The deputy's patrol car was stopped northbound on Orizaba Avenue, just west of the apartments. **Refer to Exhibit K-Photographs of area and patrol car**

There is an east/west driveway that leads into the apartments from Orizaba Avenue. **Refer to Exhibit A, Page 70- Crime Scene Sketch**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Butao fired three rounds from his duty weapon: **Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BE[redacted]Z**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll.

Refer to Exhibit P- Firearms Examiner Report

WEAPONS USED BY SUSPECT:

A boning knife, ten inches in overall length; five and a half inch white metal blade, with a black plastic handle. **Refer to Exhibit A-Page 51 regarding the knife and Exhibit O-Photograph of the suspect's knife**

PROPERTY DAMAGE:

No property damage was observed at the scene. Risk Management Bureau responded and was on-scene.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Homicide Bureau Detectives:
SERGEANT RICK GRAVES #[redacted]
SERGEANT RUDY ORTEGA #[redacted]

No charges were filed-Suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during daylight hours. The weather was clear and hot.

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY OSCAR BUTAO

Deputy Butao told Homicide investigators that at the time of the incident, he was working Unit 136E, on Day Shift. At about 1358 hours, he received a priority call of a suspicious person with a knife at 8111 Rosecrans Boulevard. The location is a shopping area.

On arrival, Deputy Butao saw a person standing on the north east corner of Orizaba and Rosecrans, waving and pointing to the north, in the direction of the suspect. Deputy Butao turned northbound on Orizaba Avenue and saw the suspect standing near the west side of Orizaba Avenue on the sidewalk. Deputy Butao got out of his patrol car and saw that the suspect was holding a knife in his left hand. Deputy Butao drew his weapon with his right hand and immediately ordered the suspect to drop the knife. The suspect walked toward Deputy Butao then walked away. Deputy Butao called for back-up, advising that he was detaining the suspect at gunpoint.

Deputy Butao recognized the suspect from several previous calls. He also had called the Mental Evaluation Team (MET) on the suspect in the past. The prior calls involved the suspect running around in the street between vehicles and causing a hazard. Deputy Butao knew that the suspect spoke and understood English from these prior contacts.

The suspect turned toward Deputy Butao mumbling incoherently. He would take two steps toward Deputy Butao, then he would walk away. The suspect ignored Deputy Butao's orders to drop the knife. Deputy Butao formed the opinion that the suspect was possibly under the influence of drugs or had "some type of mental problem."

Deputy Butao and the suspect both walked westbound down the driveway toward an apartment building at [redacted] Orizaba Avenue. **Refer to Exhibits J and K-Photographs of the westbound view of the location**

The distance between him and the suspect was about five to seven feet. They eventually reached the apartment building, then back out again, almost to the street.

At some point, during this movement toward the apartments, Deputy Butao used Pepper Spray (O.C. Spray) on the suspect. He used all of his Pepper Spray and discarded the can. The Pepper Spray had no effect on the suspect and he still refused to drop the knife. The suspect again advanced with the knife toward Deputy Butao. Deputy Butao "was very scared" and he fired one round at the

suspect. He thought the round struck the suspect, however, the round did not seem to have any effect on the suspect. Deputy Butao backed up again and the suspect again advanced toward him. Deputy Butao then fired a second round and continued to back away. The suspect started running around in a circle, in an area by the stairway of the apartment building. **Refer to Exhibit M-Photographs of the stairway**

The first back-up unit, Deputies [redacted] and [redacted] arrived and they ordered the suspect again to drop the knife. The suspect was mumbling something in Spanish. He continued to ignore the deputies orders to drop the knife and he continued to walk around in circles. Deputy [redacted] asked Deputy Butao if he had a Stun Bag. Deputy Butao told him that he had one in the trunk of his patrol car. Deputy [redacted] then ran to the patrol car. Deputies Butao and [redacted] continued ordering the suspect to drop his knife. Deputy Butao believed at this time that Deputy [redacted] deployed O.C. Spray on the suspect and further believed that Deputy [redacted] was giving orders to the suspect in Spanish to drop the knife. The suspect continued to ignore the orders and once again advanced on the deputies with the knife. Fearing that the suspect was going to kill either him or Deputy [redacted] Deputy Butao fired a third round at the suspect which he believed struck the suspect.

The suspect walked a few steps then fell to the ground. Paramedics were immediately requested. Deputy Butao said that he thought that Deputy [redacted] then "pried" the knife from the suspect's hand. Other units then arrived and took over the scene and Deputy Butao was transported to the station.

Deputy Butao added that after the suspect "went down" he could hear a female yelling from the apartments. She came out a took photographs and a video of the incident. The deputies were telling her to get away from the scene.

During the incident, Deputy Butao was dressed in the standard L.A. County Sheriff's Department uniform with all standard equipment. **Refer to Exhibit D-Photograph of Deputy Butao**

WITNESSES STATEMENTS:

Sworn:

DEPUTY [redacted]

Deputy [redacted] told Homicide and IAB investigators that at the time of the incident, he was working as a Special Assignment Deputy, Unit 136G, for the City of Paramount.

Deputy [redacted] and his partner, Deputy [redacted] were working together in the City of Paramount. They were a "no call" car. Deputy [redacted] was the driver and Deputy [redacted] was the book man. They heard a radio call of a suspicious person with a knife at [redacted] Orizaba Avenue. They assigned

their unit to the call and immediately drove to the address, checking for the possible suspect along the way. As they drove to the incident, they heard over the radio that the call had escalated from a high priority call to a deputy detaining a suspect with a knife at gunpoint. They drove southbound on Orizaba Avenue and arrived at the location. They saw another patrol unit already at the location, parked northbound on Orizaba Avenue, next to the driveway.

As they arrived, Deputy [redacted] heard what he thought was a gunshot. He and his partner got out of their patrol car and walked westbound down the driveway of the location. Deputy [redacted] could see Deputy Butao holding the suspect at gun point and telling the suspect to drop the knife. Deputy [redacted] could see that the suspect had "apparently been shot." He saw blood on the front of the suspect's shirt. The suspect was touching his back and the front of his shirt. The suspect had blood on his hand. The suspect was holding the knife in his right hand. The knife appeared to be a steak knife, with a black plastic handle and a stainless steel blade. The suspect appeared to be "in shock." He was coherent, however, he looked "impaired." All three deputies gave the suspect orders to drop the knife. Deputy [redacted] also gave orders in Spanish. Deputy [redacted] heard the suspect say in Spanish, "Help me, I'm sick." The suspect was walking back and forth (north and south), as he was holding the knife. The deputies were standing east of the suspect, approximately twelve to fifteen feet away. The suspect ignored all orders, both in English and Spanish, to drop the knife. Deputy [redacted] and [redacted] both used their O.C. Spray on the suspect, in an attempt to get the suspect to drop the knife. Deputy [redacted] was holding his gun in his right hand and his O.C. Spray in his left hand. The O.C. Spray did not have any effect on the suspect. The suspect continued to pace back and forth. Deputy [redacted] then left, saying that he was going back to the patrol car to get the stun bag. Deputies Butao and [redacted] continued to order the suspect to drop the knife.

At this point, the suspect was in front of Deputy [redacted] approximately eight to ten feet away. The suspect started walking toward him. The suspect held the knife in his right hand and placed his left forefinger across the blade resembling a "cross." The suspect was holding this "cross" toward Deputy [redacted] The suspect repeated, "Help me, I'm sick." Deputy [redacted] O.C. Sprayed the suspect again, as the suspect was approaching. Deputy [redacted] was backing away from the suspect, and repeating orders to drop the knife. Deputy Butao was standing to the left (south) of Deputy [redacted] Deputy Butao was also backing away from the suspect. When the suspect got within six to eight feet of Deputy [redacted] Deputy Butao fired again at the suspect, striking him. The suspect staggered forward and Deputy [redacted] backed up since the suspect still had the knife in his hand. The suspect then went down to the ground. Once the suspect went down, Deputy [redacted] approached and took the knife from the suspect.

Deputies Butao and [redacted] called for paramedics. The paramedics arrived and treated the suspect. He was then transported to the hospital.

> **IAB NOTE:** The suspect was transported to St. Francis Hospital in Lynwood and was pronounced dead at 1437 hours by Dr. Little.

After the suspect was down and the knife was secured, a female Hispanic came out of the lower apartment. She walked up to Deputy [redacted] and said in Spanish that she was concerned about what she saw and asked why the suspect was shot. She was holding a video camera. Deputy [redacted] believed that she had video taped the shooting incident. Deputy [redacted] attempted to explain to her in Spanish that she needed to get out of the crime scene. He walked her out of the area and back toward her apartment. She attempted to talk to the suspect while he was on the ground. Deputy [redacted] walked her out to the patrol car parked on the street and she gave him the video camera. She also asked Deputy [redacted] to lock her apartment which he did. He also took the video tape out of the camera and gave it to Homicide investigators.

> **IAB NOTE:** It was later determined by Homicide investigators that the shooting incident was not recorded on the video camera. The camera's batteries were not charged.

Deputy [redacted] later located a restraining order inside the apartment while they were attempting to obtain the identification of the suspect. The restraining order listed a male Hispanic with a description that matched the suspect. **Refer to Exhibit A, Page 14-Copy of the Restraining Order**

Deputy [redacted] was dressed in a green polo shirt with the Sheriff's insignia, green pants and Sam Browne. **Refer to Exhibit E-Photograph of Deputy Raymond**

DEPUTY [redacted]

Deputy [redacted] told homicide and IAB investigators that at the time of the incident, he was working as a Special Assignment Deputy, Unit 136G, for the City of Paramount.

Deputy [redacted] and his partner, Deputy [redacted] were working together in the City of Paramount. They were a "no call" car. Deputy [redacted] was the driver and Deputy [redacted] was the book man. They heard a radio call of a suspicious person with a knife, "acting crazy" at [redacted] Orizaba Avenue. They assigned their unit to the call and immediately drove to the address. While en route, the call was updated to "a deputy detaining someone at gunpoint." They were just "moments" away from the location. As they arrived, Deputy [redacted] saw another patrol car parked near the driveway of the location and Deputy Butao pointing his gun at the suspect.

Deputies [redacted] and [redacted] got out of their patrol car and ran to assist Deputy Butao. As Deputy [redacted] was exiting the patrol car, he saw Deputy Butao broadcast a 998 (Officer involved in a shooting). Deputy [redacted] drew his weapon and pointed it at the suspect who was holding a knife and pacing back and forth under a stairway of the apartment complex. Deputy [redacted] did not recall hearing Deputy Butao say that he had shot the suspect. Deputy [redacted] noticed that the suspect was bleeding and rambling incoherently. Deputy [redacted] did not know how the suspect sustained his injuries. The suspect appeared to be either in shock, drunk, or possibly "out of his mind." Deputy [redacted] immediately began shouting orders in English for the suspect to drop his

knife. Deputy [redacted] gave orders to the suspect in Spanish to drop the knife. The suspect did not comply with the orders. Deputy [redacted] from about six to eight feet away, sprayed two to three streams of O.C. Spray on the suspect in an attempt to get him to drop his knife. The spray hit the suspect in the face. The suspect continued to pace back and forth, ignoring the deputies. The O.C. Spray did not appear to have any effect on the suspect. Deputy [redacted] retained his O.C. Spray and replaced it in its carrier.

Deputy [redacted] shouted to Deputies [redacted] and Butao that he was going to the patrol car and get the stun bag. He then ran back to get the stun bag out of the patrol car. While he was getting it out, he suddenly heard a gun shot. Deputy [redacted] immediately ran back with the stun bag. He saw that the suspect had come out from under the stairway about fifteen to twenty feet. The suspect was now lying face down on the driveway in a "pool of blood."

Deputy [redacted] saw Deputy [redacted] take the knife from the suspect's hand. Deputy [redacted] called for the paramedics and secured the scene. A woman came out from one of the apartments and took photographs.

Deputy [redacted] later learned that Deputy Butao had shot twice at the suspect prior to their (Deputies [redacted] and [redacted] arrival.

Deputy [redacted] was dressed in a green polo shirt with the Sheriff's insignia, green pants and Sam Browne. **Refer to Exhibit F-Photograph of Deputy Cadman**

Civilian:

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Mr. [redacted] in Spanish. **Refer to Exhibit A, Page 36**. The interview is summarized as follows:

Mr. [redacted] said that the suspect was his [redacted] He parked across the street at the liquor store parking lot and saw six or seven patrol cars on the street. The deputies were talking to his [redacted] however, Mr. [redacted] could not hear what was being said. His [redacted] had his hands in the air, holding a knife. Mr. [redacted] yelled at the deputies that the suspect was his [redacted] and not to shoot him. He heard a shot and saw his [redacted] go down. He did not actually see the shooting.

He related that his [redacted] has had a history of mental problems due to an assault in the early 1990's. His [redacted] "gets worse" when he drinks one beer. In the past, deputies have brought his [redacted] home, after they have caught him "running on the street" and "through houses." Mr. [redacted] added that his [redacted] was very violent.

[redacted]

Mr. [redacted] told Homicide and Internal Affairs Bureau investigators that he recalled seeing the suspect about one month ago, when the suspect walked into Mr. [redacted] at 8111 Rosecrans Avenue. Mr. [redacted] said that he thought that the suspect was "insane" because he would not say anything, but looked around and up at the ceiling. Mr. [redacted] was going to call the police, however, the suspect left the store.

On the date of the incident, around one or two o'clock in the afternoon, Mr. [redacted] saw the suspect near his store holding a knife in his hand. He put the knife in his back pocket and walked around the parking lot, looking inside cars. He saw several people in the parking lot run from the suspect. Since kids were starting to get out of school, Mr. [redacted] called 911 and requested the police. **Refer to Exhibit B-Audio tape of the 911 call**

While Mr. [redacted] was on the phone, he saw deputies arrive. He then went toward the parking lot of the apartments (On Orizaba) where the suspect was standing along with the deputy. The deputy told the suspect to drop the knife. The suspect did not say anything and did not drop the knife. The suspect started to walk around and the deputy again told the suspect to drop the knife. The suspect again refused to drop the knife.

Mr. [redacted] said that the deputy then shot the suspect, but the suspect did not fall down. Instead, the suspect continued to walk around. The deputy told the suspect to drop the knife again and again, but the suspect refused and continued to walk around, still holding the knife. The deputy then used pepper spray on the suspect. Two additional deputies arrived and used pepper spray on the suspect. The suspect still did not drop the knife. The suspect, while holding the knife, was walking toward the deputy. Mr. [redacted] said "that's why the police [shot] again." The suspect never dropped the knife. The suspect was within about ten feet from the deputies when he was shot.

A female came out of one of the apartments and took some pictures of the suspect on the ground. Mr. [redacted] then went back to his store.

Mr. [redacted] said that he was afraid of the suspect and that the suspect was dangerous and everyone was running. Mr. [redacted] added that he didn't know why others didn't call the police.

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Ms. [redacted] in Spanish. **Refer to Exhibit A, Page 39**. The interview is summarized as follows:

Ms. [redacted] told Homicide and Internal Affairs Bureau investigators that she [redacted] as a [redacted] in a [redacted] at 8111 Rosecrans Avenue.

On the date of the incident, a woman came into the market and told her to call the police because there was a man with a knife in the parking lot acting crazy. Ms. [redacted] told her not to get involved and also told her to tell the customer to call the police. While Ms. [redacted] was talking to the customer, she saw the first patrol unit arrive. She saw the suspect run toward the apartments across the street on Orizaba Avenue. Ms. [redacted] had seen the suspect before near the market and he acted strange or crazy.

Ms. [redacted] was [redacted] inside the market when she heard three gunshots. She walked out of the market and looked toward the apartments. She saw the deputy spray the suspect. She also saw the suspect holding a knife. The suspect disappeared to the rear of the apartment driveway. She saw a deputy run to a patrol car and get a shotgun. At the same time, she saw the other deputy backing away from the suspect, as the suspect was coming toward the deputy. Ms. [redacted] heard three more gunshots.

[redacted]

Daisey [redacted] told Homicide investigators and Internal Affairs Bureau investigators that she and her [redacted] live at [redacted] in an upstairs apartment. She was home with her [redacted] at the time of the incident. While inside the apartment she heard someone saying, "Drop the knife." She looked outside and saw a policeman. She also saw Francisco, the [redacted] of her [redacted] lives downstairs in apartment [redacted] of the same apartment building. Francisco was holding a kitchen knife and did not drop it after the policeman told him to do so twice. [redacted] heard a shot fired. She then saw Francisco walking around in the parking lot. She thought Francisco was hurt. [redacted] said her [redacted] made her get away from the window. She then heard another shot. She did not see Francisco fall to the ground and she did not see any other deputies arrive.

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Ms. [redacted] in Spanish. **Refer to Exhibit A, Page 40**. The interview is summarized as follows:

[redacted] told Homicide investigators and Internal Affairs Bureau investigators that she was home at the time of the incident. She lives in a upstairs apartment at the location. The suspect was the [redacted] of her [redacted] who lives downstairs in apartment [redacted] of the same apartment building.

[redacted] saw the suspect holding a knife in the parking lot of the apartments. He was walking around, holding the knife. He left the parking lot for about ten minutes then returned. She then saw the deputies for the first time. One of the deputies had his gun drawn and told the suspect to drop the knife. The deputy then shot the suspect twice. The suspect walked back toward the apartments. Ms. [redacted] thought that the suspect was attempting to return to his apartment.

A few seconds later, she heard the deputies again order the suspect to drop the knife, but he did not comply. The deputy shot the suspect again.

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Mr. [redacted] in Spanish. **Refer to Exhibit A, Page 41**. The interview is summarized as follows:

Mr. [redacted] told Homicide and Internal Affairs Bureau investigators that on the date of the incident, he was standing outside of a restaurant at 8111 Rosecrans Avenue. He saw the suspect holding a knife and chasing cars in the parking lot. He also saw the deputies arrive. Mr. [redacted] saw the deputies order the suspect to drop the knife, but the suspect ignored the deputies. One of the deputies sprayed the suspect. The suspect held the knife in front of him and waved it around while walking around the apartment parking lot. The suspect was holding the knife at chest level and walked toward the deputies. The deputies backed away from the suspect and one of the deputies shot the suspect as the suspect walked toward him with the knife.

[redacted]

Ms. [redacted] told Homicide and Internal Affairs Bureau investigators that at the time of the incident, she was coming out of the La Bodega Market at Rosecrans Avenue and Orizaba Avenue. **Refer to Exhibit I-Photographs of La Bodega Market**

She saw the suspect running in the parking lot near her car. He was holding a "big knife." He appeared to be looking for someone. Ms. [redacted] got scared, so she ran back inside the market and asked the [redacted] to call the police. The [redacted] told her that she couldn't. The [redacted] of the store came out and told her that he would not call the police because he felt he would "be in trouble" if he called.

Ms. [redacted] looked out of the store window and saw a patrol car drive north on Orizaba Avenue from Roscrans Avenue. The suspect had crossed Orizaba Avenue to the driveway of the apartments just west of the market. She walked out of the market and saw the suspect walk to the apartment building and attempt to enter one of the apartments on the lower level. She then saw the deputy stop near the driveway and get out of the patrol car. The suspect walked eastbound on the driveway, toward the deputy.

The deputy yelled "so hard" at the suspect to drop the knife at least three or four times. The suspect refused to drop the knife. The suspect was holding the knife up in front of his face at eye level, with the blade out toward the deputy and about ten to fifteen feet away from the deputy. The suspect was saying something to the deputy, but Ms. [redacted] could not hear what he said. The suspect kept walking toward the deputy and the deputy kept telling the suspect to drop the knife. She then heard two or three shots. Ms. [redacted] did not know how far the suspect was from the deputy at the time of the shots. After the shots, she put her head down and said, "God help him."

After the shots, the suspect did not fall down. He walked back to the same apartment that he attempted to enter earlier. The deputy remained in his same position and appeared to be "calling for help." The deputy then approached the suspect and "pepper sprayed" the suspect in the face. This did not seem to have any effect on the suspect. The suspect then walked back toward the deputy again. The suspect was still holding the knife in the same position as earlier. She described this position by making a fist with her right hand and holding her hand in front of her face, with the side of her little finger facing away from her face. She then made a thrusting motion away from her face, while stating that it appeared the suspect was going to stab the deputy. The deputy again yelled at the suspect, at least two or three times, to drop the knife and put his hands up. The deputy shot the suspect again, one or two times. The suspect fell to ground about "two or three seconds, probably a minute" later.

Ms. [redacted] did not see any other people in or around the apartments prior to the shooting. She did see a man standing on the sidewalk, on the east side of Orizaba Avenue in front of her who also witnessed the shooting. She recalled that the man was yelling something, but she did not pay attention to what he said. After the shooting, this man said something to the deputy, but Ms. [redacted] did not hear what was said.

[redacted]

Ms. [redacted] was interviewed by Homicide investigators with the assistance of a Spanish interpreter, Deputy D. Holguin of Lakewood Sheriff Station. The interview is summarized as follows:

Ms. [redacted] lives in the upper apartment at the location. She was in the shower at the time of the incident. She heard two gunshots and someone say, "Lay down." About thirty seconds later, she got out of the shower and told her [redacted] MH/13 to go into the back bedroom. She went to her bedroom to dress and heard two more shots. She went to the kitchen and looked out the window and saw a man on the ground and two officers standing east of him, one on each side. The officers were talking to the man, but she could not hear what was being said. She recognized the man as the [redacted] of [redacted] who lives in the lower apartment. The paramedics arrived and started treating the man.

[redacted]

[redacted] is the [redacted] of Witness [redacted] The interview is summarized as follows:

At the time of the incident, [redacted] was home. He heard someone screaming something to the effect, "Take the weapon out of your hand!" He looked out the window and recognized Francisco with a knife in his right hand. A deputy was also standing outside and told Francisco three times to drop the knife. Francisco never dropped the knife. [redacted] walked away from the window and then heard three shots. [redacted] never witnessed the shooting. He was inside the living room watching television. While watching television, he heard one additional shot.

[redacted]

[redacted] told Homicide and Internal Affairs Bureau investigators that at the time of the incident she was with her [redacted] They were at the Laundromat located near Rosecrans Avenue and Orizaba Avenue. During the incident they were standing outside, near the La Bodega Market, directly across the street. **Refer to Exhibit I-Photographs of the La Bodega Market**

She saw "a guy running around with a knife" in his right hand. He was in the parking lot of the strip mall. After about fifteen minutes, she saw a deputy arrive. The deputy parked near the apartments on Orizaba Avenue. The suspect was standing on the driveway to the apartments. The deputy got out of his car and took out his gun. The deputy pointed his gun at the suspect and told him about five times to "put the knife down."

> **IAB NOTE:** Later in the interview, [redacted] said the deputy told the suspect two times to drop the knife.

The suspect did not drop the knife. The suspect held the knife in his right hand, extended out from his body at eye level. The suspect backed up the driveway toward the apartments' staircase. The deputy then shot the suspect's leg twice. She was not sure which leg the deputy shot, but she was sure the deputy shot him two times. The deputy was about twelve to fifteen feet away when he fired. The suspect then started walking toward the deputy and the deputy backed away from the suspect. The deputy "sprayed some gas on the guy." The suspect continued to hold the knife in the same position and started walking toward the deputy.

At this time, other deputies arrived and ordered the suspect to put the knife down. The suspect still refused to drop the knife and continued walking toward the deputies. As the suspect walked toward the deputies, "they shot him" two more times.

> **IAB NOTE:** Later in the interview, she said that the deputies "sprayed" him again before they shot the second time.

She thought that there were three deputies at the location, but she did not know which deputies fired at the suspect. Witness [redacted] said that the shots hit the suspect in his chest or stomach, then the suspect turned around and they shot him in his back. The suspect turned back toward the deputies and they shot him again. The suspect then fell down. One of the deputies then checked to see if the suspect was breathing.

The suspect held on to the knife during the entire incident.

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Mr. [redacted] in Spanish. **Refer to Exhibit A, Page 61**. The interview is summarized as follows:

Mr. [redacted] told Homicide and Internal Affairs Bureau investigators that at the time of the incident, he was at the strip mall north of Rosecrans Avenue. He saw the suspect holding a knife, walking around the parking lot. Mr. [redacted] called 911 on his cell phone. The suspect continued to run around the parking lot for a few minutes, then he ran across Orizaba Avenue. A few moments later, he walked north on Orizaba Avenue then westbound on the driveway toward the apartments.

As the suspect walked down the driveway, a deputy arrived and parked near the driveway. He got out of his patrol car and drew his weapon and pointed it at the suspect. The suspect was about twenty feet west of Orizaba Avenue at the time. Mr. [redacted] was standing on the east side of Orizaba Avenue, directly across the street from the deputy and suspect.

The deputy told the suspect to drop the knife several times. Mr. [redacted] said he believed the deputy gave the orders both in Spanish and English. The deputy also told the suspect not to move. The suspect ignored the deputy and continued to hold the knife extended out in front of him at face level and the blade pointed up. The deputy then shot the suspect twice, from a distance of about twenty feet. After he was shot, the suspect turned and walked back toward the apartments' staircase. Mr. [redacted] thought he heard the deputy telling the suspect to stop.

As the suspect walked toward the staircase, the deputy shot him again. The suspect was still holding the knife in his right hand when the deputy shot him. The suspect walked to the staircase, raised his hands over his head and held onto the staircase. He was still holding the knife in his right hand.

Another deputy arrived and sprayed the suspect with pepper spray from a distance of about fifteen feet. The suspect did not react from the spray. The suspect, still holding the knife, then walked toward the deputies. The first deputy shot the suspect a fourth time, after numerous orders to drop the knife. The suspect took one step and fell to the ground, still holding the knife.

[redacted]

Homicide Detective Jeanette Duran-Dingillo interviewed Ms. [redacted] in Spanish. **Refer to Exhibit A, Page 62**. The interview is summarized as follows:

Ms. [redacted] told Homicide and Internal Affairs Bureau investigators that she has lived at [redacted] Apartment [redacted] for the past two and a half years. She has been the [redacted] of the suspect, Francisco Ortiz, for the past five years. He has been living with her for the past seven months. Ms. [redacted] was aware of the suspect's history of using drugs. She described the drug as a white powdery substance, which he ingested through his nose. She has taken the drug away from him in the past.

At the time of the incident, she arrived home from work at 1345 hours and noticed that Francisco was not at home. She looked out of her apartment window and saw a deputy arrive. She also saw her husband standing in the driveway. Ms. [redacted] said that he was under the influence of drugs, based on the way he was acting, which was similar to the way he has acted in the past when he was using drugs. She added that he was "really" under the influence this time and when he gets this way, he does not listen to anyone.

Ms. [redacted] saw her [redacted] Francisco walking toward the apartment with his back to the deputy. The deputy shouted at Francisco and said, "Come on, come on." Francisco turned toward the deputy and started backing up away from the deputy and toward the apartment. Francisco's hands were up in the air at the level of his head. She did not see a knife in his hands. She could only understand the deputies as saying, "Come on, come on." Francisco continued walking backwards, toward the apartment. When Francisco was about fifteen feet away, the deputy fired four shots. She then saw her [redacted] walk toward the staircase of the apartment building. Francisco did not say anything to the deputy prior to the shots. Mrs. [redacted] said that her [redacted] can not talk when he is under the influence of drugs.

Ms. [redacted] described the shooting sequence as one shot, then a few seconds later another shot and then two consecutive shots. The entire sequence lasted about one minute. When the first shot was fired, her [redacted] was about ten feet from the front door of the apartment. When the last shots were fired, Francisco was standing in front of the staircase of the apartments. After he was shot, her [redacted] walked forward a short distance, then collapsed.

Other deputies wearing green shirts arrived, however, only the first deputy fired his gun. She did not see any deputy spray her husband. Ms. [redacted] opened the door and told the deputies not to shoot her [redacted] because he was sick. She felt that there were other ways to handle her [redacted] since he was not acting aggressive. She still did not see a knife in Francisco's hand. She later saw a deputy holding a knife, but she did not know where it came from. She said during the entire incident, her [redacted] had his hands raised in the air at head level.

Ms. [redacted] took two photographs of Francisco while he was on the ground. She would not release the film to the investigators.

Regarding the restraining order that Ms. [redacted] had against her [redacted] she said that she obtained it in May, 2000, because he had been hitting her. That was the only time he had hit her. **Refer to Exhibit A, Page 13**

Ms. [redacted] said that Francisco had sustained a head injury during an assault in 1995. He took medication for a while. The last time she saw her [redacted] under the influence was three weeks ago.

[redacted]

Ms. [redacted] told Homicide investigators that at the time of the incident she was driving home and turned northbound on Orizaba Avenue from Rosecrans Avenue. Her [redacted] and [redacted] were also in her car. She was blocked by a police car and had to pull into the parking lot on the northeast corner of Rosecrans Avenue and Orizaba Avenue. As she pulled into the parking lot she heard two shots, but did not see who was shooting. She parked her car and looked west, across Orizaba Avenue. She saw a man in the driveway of an apartment complex. He was holding something in his hands which appeared to be a knife with a black handle. He was holding it with both hands extended out with the blade up. His hands were bloody. He was walking under the stairs of the apartment building. She also saw two deputies with their guns drawn and pointed at the man. One of the deputies put his gun back in his holster and ran to his patrol car and opened the trunk. The man started walking toward the deputy and the deputy started backing up. The man continued to walk toward the deputy and the deputy continued to back up. She could not hear if the deputy was talking to the man. They both stopped and Ms. [redacted] heard a shot. The deputy was about ten feet from the man. A few seconds later, the man fell to the ground, still holding the knife. Once the man fell to the ground, he was out of Ms. [redacted] view.

> **IAB NOTE:** Later in the interview, Ms. [redacted] said she saw four or five deputies at the scene during the shooting.

After the man fell to the ground, Ms. [redacted] covered her eyes for about five seconds. When she opened her eyes again, she saw a deputy standing over the man, but she could not see what he was doing. She did not see any other persons around the apartment building at the time of the incident.

She did not see any deputies pepper spray the man.

[redacted]

[redacted] is the [redacted] of Witness [redacted] Ms. [redacted] told Homicide investigators that at the time of the incident she was riding home with her [redacted] As they turned northbound on Orizaba Avenue from Rosecrans Avenue, she heard two shots. Their car was blocked by police cars so they turned into the parking lot of the shopping center and parked facing west. She was in the front passenger seat. She looked across Orizaba Avenue and saw about four "cops."

> **IAB NOTE:** She also said that they appeared to be around the man, two on one side and two on the other side. They did not have their guns out and were closer to the man than the officer with the gun. At the time of the shooting, they "kinda scattered away from that area."

One of the "cops" had his gun drawn. There was a man with a knife walking down the driveway. He was holding the knife with both hands, out away from his body about eight inches, at neck level with the blade pointed up. The man was walking toward the deputy and the deputy was backing up.

The man with the knife stopped, and "stood there for a while." While the man was standing there, one of the deputies ran to the trunk of his car and was loading a rifle. She never heard the man say anything. The "cop" with his gun drawn also stood for a moment then "he just shot him and he fell to the floor." The deputy then went to his car and was on "the microphone" while the other "cops" guarded the man on the ground. By the time the deputy finished loading the rifle, the shot was already fired.

At this point, a lady came out of her house, however, "some cop told her to go back inside of her house." Ms. [redacted] said she did not see anyone in or around the apartments at the time of the shooting.

Ms. [redacted] said she never saw the deputies spray the man. The deputy fired at the man at a distance of about ten feet.

[redacted]

Mr. [redacted] lives in the [redacted] of the [redacted] property [redacted] of the shooting incident.

Mr. [redacted] told Homicide investigators that at the time of the incident, he was inside his house. He did not witness the shooting. He only heard, "Put down the knife, put down the knife, put down the knife." He then heard "Pop Pop!" As he looked outside, he heard another "Pop." He walked to the front yard and saw some police cars in front of the apartments, south of his house.

[redacted]

Ms. [redacted] is the [redacted] of Witness [redacted]

Ms. [redacted] told Homicide investigators that at the time of the incident, she was hanging clothes out in her backyard. She heard a man shout, "Get down, drop the knife!" two or three times. She then heard two "pops!" She then heard, "Get down, get down, drop the knife!" She then heard two shots. She walked to the front of her house and saw deputies taping off the area. She did not witness the shooting.

SUSPECT STATEMENTS:

Deceased

MISCELLANEOUS

The District Attorney's Office concluded that Deputy Butao acted lawfully in self-defense and defense of others. **Refer to Exhibit Q-District Attorney's Letter of Opinion on Deputy Involved Shooting**

ADDITIONAL INVESTIGATION

On July 11, 2002, the facts of this case were presented to the Executive Force Review Committee. Attorneys from the Office of Independent Review raised four issues of concern regarding this case. The following concerns are listed and addressed:

1. **Is the alternating use of O.C. Spray and firearms tactically appropriate and a justifiable use of force?**

   The members of the Executive Force Review Committee agreed that the use of escalating and de-escalating force is proper. In this case, Deputy Butao first used pepper spray, which had no effect on the suspect. The suspect lunged at the deputy and the deputy fired one round. The round also appeared to have no effect on the suspect. Deputy Butao commented in his interview that he thought that someone had loaded his gun "with blanks." He shot a second round and the suspect "started to run around in a circle." Moments later, back up deputies arrived and also used pepper spray on the suspect and again it appeared to have no effect on the suspect. As one of the deputies was going to retrieve the Stun bag shotgun, the suspect again lunged at the deputies with a knife and Butao fired a third round. The suspect took a few steps and collapsed to the ground still holding the knife.

   Deputies are trained to use any force which is necessary and that can include alternating the different levels of force to justify the situation. Nothing in Department Policy prevents them from using a lesser level of force after they have used a greater level of force.

2. **Is there a reasonable justification for the failure of Deputy Butao to inform the back up deputies of the force and tactics that had been used on the suspect prior to their arrival?**

   Deputy Butao was interviewed by Internal Affairs Bureau investigators Lieutenant Mike O'brien and Sergeant Terry Benjestorf on July 26, 2002. Deputy Butao related during this interview that when his back up deputies arrived, they asked him if he had shot the suspect. Deputy Butao told them that he had in fact shot the suspect. They discussed the use of a Stun bag shotgun. He additionally related that the incident happened so fast that he was unable to have a detailed conversation with the back up deputies.

3. **Shouldn't the MET team have been called in this incident to attempt to avoid the use of lethal force?**

   During Deputy Butao's interview on July 26th, he related that the MET team was not on duty during this incident. He added that the incident happened so quickly, he did not have time to call the MET team.

4. **How did the deputies legally enter the suspect's apartment after the shooting and obtain a copy of a restraining order?**

   Deputy [redacted] related during his interview that after the incident, Ms. [redacted] (the [redacted] of the suspect) asked him to lock the apartment. Deputy [redacted] walked

through the apartment in order to properly secure it. He recalled seeing a restraining order on a table inside the apartment. In a subsequent conversation with Deputy [redacted] he related that he did not recall actually taking the restraining order from inside the apartment. Ms. [redacted] later related that she could not remember where she had kept the restraining order, nor if she had handed it to anyone. During Deputy Butao's interview, he said that he had no knowledge of the restraining order.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

March 1, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File No.: 01-0826
L.A.S.D. File No.: 001-20475-1365-056

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 27, 2001 fatal shooting of Francisco Ortiz by Los Angeles Sheriff's Deputy Oscar Butao. This office conducted a review of your department's investigation package, which consisted of reports, logs, photographs, and interview statements of witnesses. The District Attorney's Command Post was notified of this shooting at 3:00 p.m. on August 27, 2001. District Attorney Senior Investigator [redacted] and Deputy District Attorney Charles Clay responded to the shooting scene at 4:00 p.m. and were given a briefing and a walk-through of the scene. Upon concluding its review, this office has determined that the actions of Deputy Butao were lawful acts of self-defense and defense of others.

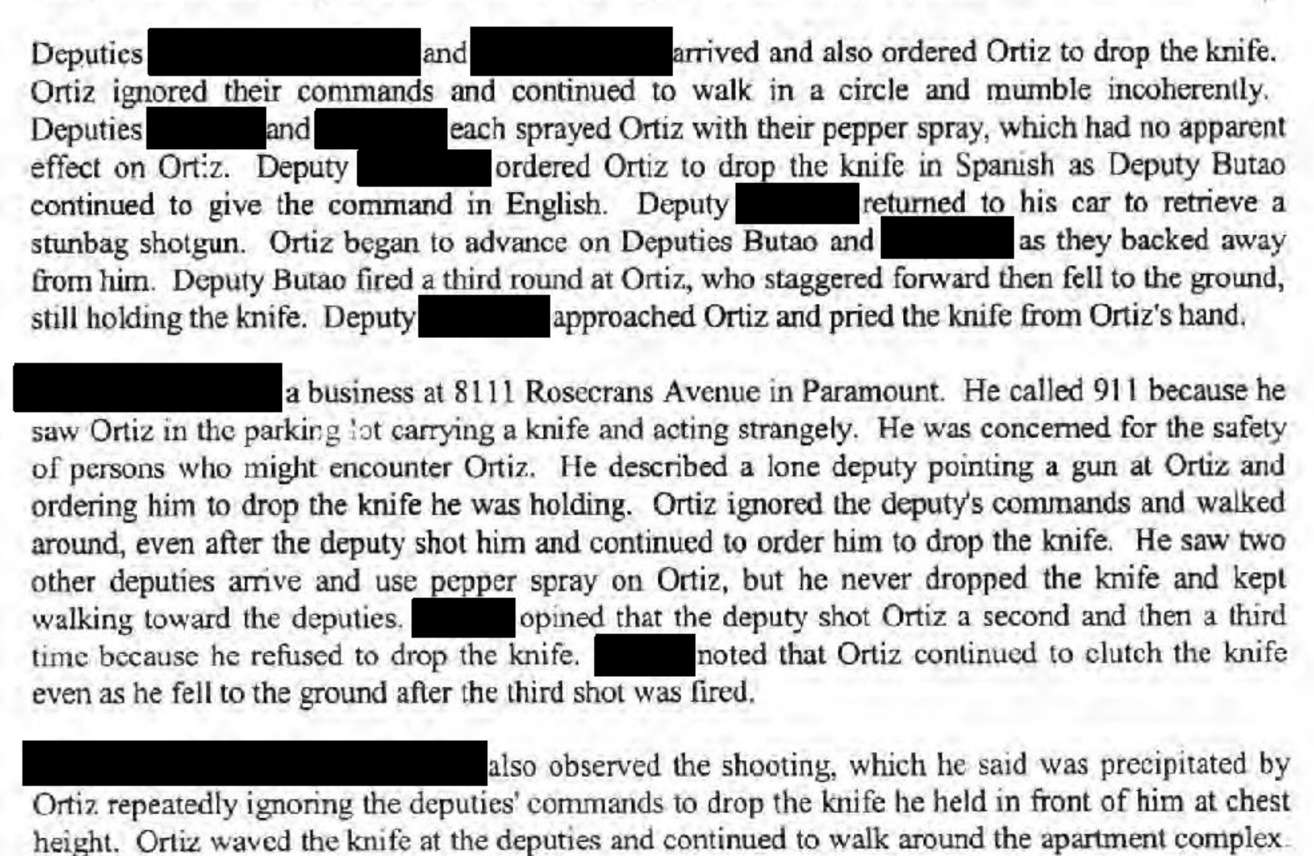
FACTUAL ANALYSIS

On August 27, 2001 Deputy Butao was assigned to the Lakewood Sheriff's Station. At approximately 1:58 p.m., Deputy Butao was in uniform when he responded in his one-man black-and-white marked patrol unit to 8111 Rosecrans Avenue in the City of Paramount to investigate a priority call[1] that a person was armed with a knife and acting suspiciously. Deputy Butao requested backup while en route to the location, a strip mall at the intersection of Rosecrans and Orizaba Avenues. When he arrived, a witness using a public pay telephone directed him north on Orizaba Avenue. Butao saw Ortiz, who fit the description of the suspect of the radio call, standing in the driveway of [redacted] Orizaba Avenue on the west side of the street. Ortiz was holding a silver knife with a black plastic handle in his left hand.

[1] Deputy Butao described a priority call as one that rates just below an emergency call in its response urgency.

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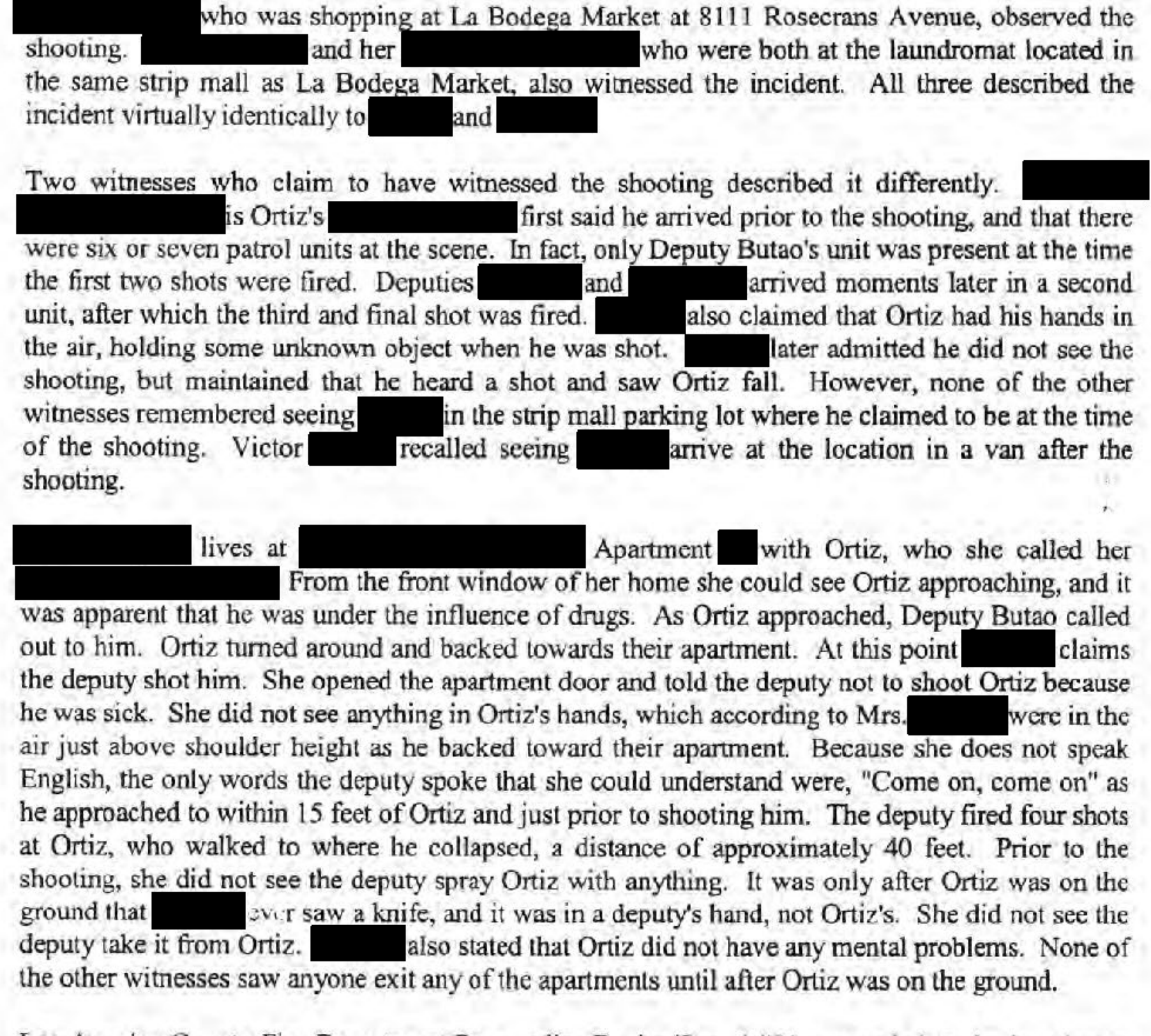
Deputy Butao recognized Ortiz from previous contacts and arrests pursuant to Welfare and Institutions Code section 5150. Based on those previous contacts, Deputy Butao was aware of Ortiz's past mental problems. He also knew that Ortiz spoke and understood English. Deputy Butao stopped, got out of his car, and ordered Ortiz to drop the knife. Ortiz stepped toward him, then retreated, but held onto the knife, all the while mumbling incoherently. Deputy Butao drew his duty pistol and pointed it at Ortiz. He also believed that Ortiz might be under the influence or having mental problems. Deputy Butao again requested backup, and while he was speaking into his radio, Ortiz charged at him with the knife. Deputy Butao drew his oleoresin capsicum/pepper spray with his left hand and emptied the contents of the canister at Ortiz, who showed no reaction. Ortiz again advanced on Deputy Butao, who feared for his safety as Ortiz approached. Butao fired one round from his Beretta model 92FS nine millimeter semi-automatic pistol as he backed away from Ortiz, striking him. Deputy Butao continued to back up and Ortiz continued to advance, still holding the knife. Deputy Butao fired a second shot, which also struck Ortiz. Ortiz then started to run around the driveway in a circle, allowing Deputy Butao to retreat further.



Deputies [redacted] and [redacted] arrived and also ordered Ortiz to drop the knife. Ortiz ignored their commands and continued to walk in a circle and mumble incoherently. Deputies [redacted] and [redacted] each sprayed Ortiz with their pepper spray, which had no apparent effect on Ortiz. Deputy [redacted] ordered Ortiz to drop the knife in Spanish as Deputy Butao continued to give the command in English. Deputy [redacted] returned to his car to retrieve a stunbag shotgun. Ortiz began to advance on Deputies Butao and [redacted] as they backed away from him. Deputy Butao fired a third round at Ortiz, who staggered forward then fell to the ground, still holding the knife. Deputy [redacted] approached Ortiz and pried the knife from Ortiz's hand.

[redacted] a business at 8111 Rosecrans Avenue in Paramount. He called 911 because he saw Ortiz in the parking lot carrying a knife and acting strangely. He was concerned for the safety of persons who might encounter Ortiz. He described a lone deputy pointing a gun at Ortiz and ordering him to drop the knife he was holding. Ortiz ignored the deputy's commands and walked around, even after the deputy shot him and continued to order him to drop the knife. He saw two other deputies arrive and use pepper spray on Ortiz, but he never dropped the knife and kept walking toward the deputies. [redacted] opined that the deputy shot Ortiz a second and then a third time because he refused to drop the knife. [redacted] noted that Ortiz continued to clutch the knife even as he fell to the ground after the third shot was fired.

[redacted] also observed the shooting, which he said was precipitated by Ortiz repeatedly ignoring the deputies' commands to drop the knife he held in front of him at chest height. Ortiz waved the knife at the deputies and continued to walk around the apartment complex. [redacted] said the deputies backed up the driveway away from Ortiz, who kept advancing until he was shot.



[redacted] who was shopping at La Bodega Market at 8111 Rosecrans Avenue, observed the shooting. [redacted] and her [redacted] who were both at the laundromat located in the same strip mall as La Bodega Market, also witnessed the incident. All three described the incident virtually identically to [redacted] and [redacted]

Two witnesses who claim to have witnessed the shooting described it differently. [redacted] is Ortiz's [redacted] first said he arrived prior to the shooting, and that there were six or seven patrol units at the scene. In fact, only Deputy Butao's unit was present at the time the first two shots were fired. Deputies [redacted] and [redacted] arrived moments later in a second unit, after which the third and final shot was fired. [redacted] also claimed that Ortiz had his hands in the air, holding some unknown object when he was shot. [redacted] later admitted he did not see the shooting, but maintained that he heard a shot and saw Ortiz fall. However, none of the other witnesses remembered seeing [redacted] in the strip mall parking lot where he claimed to be at the time of the shooting. Victor [redacted] recalled seeing [redacted] arrive at the location in a van after the shooting.

[redacted] lives at [redacted] Apartment [redacted] with Ortiz, who she called her [redacted] From the front window of her home she could see Ortiz approaching, and it was apparent that he was under the influence of drugs. As Ortiz approached, Deputy Butao called out to him. Ortiz turned around and backed towards their apartment. At this point [redacted] claims the deputy shot him. She opened the apartment door and told the deputy not to shoot Ortiz because he was sick. She did not see anything in Ortiz's hands, which according to Mrs. [redacted] were in the air just above shoulder height as he backed toward their apartment. Because she does not speak English, the only words the deputy spoke that she could understand were, "Come on, come on" as he approached to within 15 feet of Ortiz and just prior to shooting him. The deputy fired four shots at Ortiz, who walked to where he collapsed, a distance of approximately 40 feet. Prior to the shooting, she did not see the deputy spray Ortiz with anything. It was only after Ortiz was on the ground that [redacted] ever saw a knife, and it was in a deputy's hand, not Ortiz's. She did not see the deputy take it from Ortiz. [redacted] also stated that Ortiz did not have any mental problems. None of the other witnesses saw anyone exit any of the apartments until after Ortiz was on the ground.

Los Angeles County Fire Department Paramedics Engine/Squad #31 responded to the location to treat Ortiz's wounds. Ortiz was subsequently placed into the back of an ambulance and transported to St. Francis Hospital in Lynwood. Ortiz was pronounced dead at 2:37 p.m. by Staff physician Dr. Little.

Deputy Medical Examiner Irwin L. Golden, M.D., performed an autopsy on Ortiz on August 29, 2001. He attributed the cause of death to two of three gunshot wounds to the abdomen. The two fatal bullets struck Ortiz on either side of his abdomen directly below the left and right nipples, while the non-fatal bullet struck the left flank/abdominal wall. Although Ortiz suffered two additional penetrating gunshot wounds to the left hand, and left forearm, these were not life-

threatening. Dr. Golden opined that the wounds to the left hand and forearm were through-and-through wounds caused by the projectiles that later struck the left side of Ortiz's torso. No projectiles were recovered from Ortiz's body. A toxicological analysis of Ortiz's post-mortem blood was positive for cocaine in a concentration of .45 micrograms per milliliter, and showed a blood alcohol content of .08%.

CONCLUSION

California Law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force and means that he believes to be reasonably necessary and that would appear to a reasonable person in the same or similar circumstances to be necessary to prevent the injury that appears to be imminent. California Jury Instructions 5.30 and 5.32.

If one is confronted by the appearance of danger that one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal. App. 2d 577.

While attempting to detain Francisco Ortiz, Deputy Butao observed him to be in an agitated and uncooperative state. He also saw that Ortiz was armed with a large knife, and both he and Deputy [redacted] attempted to persuade him in both English and Spanish to drop the knife. Ortiz refused to do so, and advanced first on Deputy Butao, then on Deputy [redacted] Butao resorted to lethal force only when he felt his life was in danger, and even then, after he had exhausted his canister of oleoresin capsicum/pepper spray with no apparent effect. He fired again at Ortiz when he feared for Deputy [redacted] life as Ortiz began to advance toward him. This occurred after Deputy [redacted] had also used his pepper spray with no apparent result.

It is the conclusion of this office that Deputy Butao was legally justified in using deadly force in self-defense and defense of others. While Ortiz was in fact injured from the first round Deputy Butao fired, he still posed a danger to both deputies.

Having concluded that Deputy Butao acted lawfully in self-defense and in defense of others, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Charles Q. Clay, III

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c: Deputy Oscar Butao, Serial [redacted]